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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,850	07/22/2003	Felix Bator	F-673	1866

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EXAMINER

COSIMANO, EDWARD R

ART UNIT PAPER NUMBER

3639

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/626,850

Applicant(s)

BATOR ET AL.

Examiner

Edward R. Cosimano

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 9-14 is/are pending in the application.
4a) Of the above claim(s) none is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3 and 9-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 7/22/03 & 9/30/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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1. Applicant's claim for the benefit of an earlier filing date under 35 U.S.C. § 119(e) and 35 U.S.C. § 120 is acknowledged.
2. The proposed drawing correction filed 30 September 2004 has been approved.
- 2.1 The corrected combined set of drawings filed July 22, 2003 and September 30, 2004 is acceptable to the examiner.
3. The disclosure is objected to because of the following informalities:

A) applicant must update:

(1) the application data in:

(a) paragraph number 49 on page 16, "In accordance with ... U.S. Patent Application Serial No. 09/474,327 ... transaction from the customer's account on the micropayment system.";

with the current status of each of the referenced applications, e.g., --now abandoned--, or --now patent #?--, or --which is abandoned and now serial number #?--, etc.

Appropriate correction is required.

4. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.52, 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).
5. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time

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the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

5.1 Claims 1-3 & 9-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Whitehouse (6,005,945) in view of Brasington et al (EP 0893787 or 5,923,406) as evidenced by either Shah et al (5,822,738 or 2003/0078893).

5.1.1 In regard to claims 1-3 & 9-14, Whitehouse ('945) discloses a computer implemented machine/process which under the control of an operating program performs the function of dispensing postage over a network, for example the internet. In this system, an user obtains a meter license from the Postal authority so that the user may print postage. When a customer at a remote computer system, e.g. a PC 104, desires to print a postage indicia on an item of mail, then the remote computer system being used by the customer would create a demand/request transaction for evidence of the payment of the required amount of postage. Where the transaction request would include at least:

A) an account identifier that identifies a previously established account as an indication of the method of payment for the required postage;

B) a source address identifier indicating where a mail piece is to be mailed from or the origin zipcode of the item of mail;

C) a destination address identifier indicating where the mail piece is to be mailed to or the destination zipcode for the item of mail;

D) authentication information for authenticating that the postage request is from an end user associated with the specified user account identifier;

E) data concerning the package size and/or weight sufficient to determine an amount of postage required for the mail piece; and

F) a customer password, that would identify the customer.

The generated transaction demand/request is then sent via a suitable communications network, e.g. the internet, from the remote computer system of the customer to a vendors' remote server or data center 102, where the vendor is separate from the Postal service 180. Once the data center has received the transaction request, the data center processes the transaction request by verifying that the transaction demand/request is authorized. And, if the transaction request/demand is verified, then the data center further process the transaction request by

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effecting payment for the requested amount of postage in an account that is maintained at the data center and has been identified within the transaction request. Next, the data center continues to process the transaction request by creating/generating a postage indicia as evidence of postage payment and then sending the generated postage indicia as evidence of postage payment to the customer at the remote computer system for printing on the item of mail. Where the postage indicia would generally include data representing the user account identifier, source address identifier, and destination address identifier in a correspondence to the data in the postage requests.

5.1.2 It is noted that the evidence of postage payment that is obtained by the customers of Whitehouse ('945) does not originate from a vendors account as would be understood by one of ordinary skill since the each customer maintains an account at the data center. However in the environment of dispensing postage, either Brasington et al ('787 or '406) discloses a computer implemented machine/process which under the control of an operating program stored in a memory performs the function of dispensing postage from an vendors' account. As can be seen in figs. 2-4, kiosk 1 of either Brasington et al ('787 or '406) includes processor 31, memory 35, modem 37, customer input devices 15,17, printer 39 and camera 13 as shown in fig. 2 which is in communication with postal authority 91 through data center 49 as shown in fig. 4. In operation the operator of kiosk 1, or a postage vendor, would purchases an amount of postage from postal authority 91 which is stored in the vendor's account in data center 49. The postage value stored in the vendor's account at data center 49 may be vended to a customer at kiosk 1 either directly from data center 49 or downloaded into memory 35 of kiosk 1. When a customer approaches kiosk 1 to obtain postage, the customer would insert a suitable method of payment and would have in image obtained using camera 13. Next, if the payment was accepted, the vendor's postage account data stored either in data center 49 or in memory 35 (fig. 2) would be used to create a postage indicia as evidence of postage payment, where the indicia would include at least:

- A) an transaction number 79 or piece count;
- B) an indication of postage 75;
- C) originating zipcode 73; and
- D) a cancellation mark shown as town circle 77 that includes date of issue.

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Finally, the postage indicia and image are combined, and then printer 39 would produce one or more personalized postage stamps for the user. Hence in the system of either Brasington et al ('787 or '406) the user does not need to obtain a postage metering license to obtain postage from the licensed vendor or operator of kiosk 1.

5.1.3 Since:

A) the combined operation of computer 104 and data center 102 of Whitehouse ('945) is functionally equivalent to the combined operation of kiosk 1 and data center 49 of either Brasington et al ('787 or '406); and

B) the operation of the postage metering system of either Brasington et al ('787 or '406) would provide a machine/process that would make it easier for an customer to obtain postage on a need to have basis with out requiring the customer to first obtain a postage metering license since only the vendor/operator of kiosk 1 that sells postage to customers needs be licensed by the Postal authority,

it would have been obvious to one of ordinary skill at the time the invention was made that the postage metering system of Whitehouse ('945) could be modified to sell postage directly to unlicensed customers without requiring each customer to obtain a postage metering license as taught by either Brasington et al ('787 or '406).

5.1.4 As further evidence that a single secure metering device (SMD) or accounting unit of a postage metering machine/process may be used by a number of different users connected to the network, see either:

A) fig. 8 of Shah et al ('738) which in 1998 discloses a single SMD 600 that provides postage metering functions to a number of computers connected to communications network 500; or

B) figs. 1-3 of Shah et al ('893) which in 1999 discloses a single SMD 126 provides postage metering functions to a number of computers connected to communications network 106.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6.1 A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR § 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Response to applicant's arguments.

7.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been over come by applicant's last response.

7.2 As per the 35 U.S.C. § 103 rejection, since:

A) none of the instant claims recite a limitation that requires the request for postage to originate from either a PC; or more than one computer system; or more than one location, applicant's arguments regarding either (1) the differences between PC metering and the applied prior art; or (2) the location from which the request for postage originates; or (3) the request originating from more that one computer system; are directed to unclaimed distinctions and merits and hence applicant's arguments are non persuasive.

B) the modification proposed by the examiner is for the user of the system of Whitehouse (6,005,945) to sell postage to others as suggested by Brasington et al (EP 0893787 or 5,923,406) the operation of either Shah et al (5,822,738 or 2003/0078893), this modification would not change the principle operation of the systems Whitehouse (6,005,945) and hence applicant's arguments regarding changing the operation of the applied prior art are non persuasive.

8. The examiner has cited prior art of interest, for example:

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A) Eckert (4,649,266) which discloses some of the required content of a postage indicia.

B) Abumehdi (5,508,933) which discloses the sequence of events that would occur each time postage is printed in a postage metering machine/process.

C) Herring (5,946,671) which discloses a single secure metering device (SMD) or accounting unit of a postage metering machine/process being used by multiple users and the SMD accounts for the dispensed postage in an account for a designated department account.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (571) 272-6802. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (571) 272-6812. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-3600.

9.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (571) 273-6802.

9.2 The fax phone number for OFFICIAL FAXES is (703) 872-9306.

9.3 The fax phone number for AFTER FINAL FAXES is (703) 872-9306.

06/09/05


Edward R. Cosimano
Primary Examiner A.U. 3639